

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-10 are pending in this application. Claim 1 is amended by the present response without introducing new matter and Claim 3 has been previously withdrawn.

Support for the amendments to claims can be found in the disclosure as originally filed. Specifically, the amendment to Claim 1 is supported, for example, by at least Figs. 1-4. Figs. 1 and 2 disclosing that source/drain diffusion layers SDb is smaller than source/drain diffusion layers SDa. Fig. 3 discloses that the area of source/drain regions SDb1 and SDb2 combined is smaller than the area of the source/drain diffusion layers SDa. Fig. 4 discloses that the area of the source/drain diffusion layers SDb is smaller than the area of source/drain regions SDa1 and SDa2 combined. Further the specification provides support on page 6, line 19 to page 7, line 14, page 11, lines 5-13 and page 13, line 16-23.

In the outstanding Office Action, the drawings were objected to as including informalities; Claim 1 is objected to as including informalities; Claims 1 and 2 were rejected under 35 U.S.C. 102(b) as anticipated by Dehm et al. (U.S. Pat. Pub. 20020123203, herein "Dehm"); Claims 1 and 2 were rejected under 35 U.S.C. 102(b) as anticipated by Takashima (U.S. Pat. Pub. 20020027798); and Claims 4-10 are objected to as dependent on a rejected base claim but would be allowable if rewritten into independent form.

In response to the objection to the drawings, Figs. 8, 9 and 11 have been amended to be designated by the legend "Prior Art". Accordingly, Applicants respectfully request that the objection to the drawings be withdrawn.

In response to the objection to Claim 1, Claim 1 has been amended to recite, "...constituting a source/drain diffusion layer of the select transistor," as was suggested in the

outstanding Office Action. Accordingly, Applicants respectfully request that the objection to Claim 1 be withdrawn.

Addressing now the rejection of Claims 1-2 under 35 U.S.C. §102(b) as anticipated by Dehm as well as Takashima, in light of the above amendments, that rejection is respectfully traversed.

Claim 1 is amended to more clearly distinguish over Dehm and Takashima. Claim 1 now recites, in part,

a plurality of first impurity diffusion layers formed on the surface of the semiconductor substrate in a state of being mutually separated along a first direction, having a first area, and constituting a source/drain diffusion layer of the cell transistor;

a second impurity diffusion layer formed on the surface of the semiconductor substrate in a state of being separated from the first impurity diffusion layer of an end of the first impurity diffusion layers, having a second area, constituting a source/drain diffusion layer of the select transistor, and the second area being smaller than the first area;

Figs. 3 and 4 of Dehm and Figs. 6, 7 and 167 of Takashima disclose that an impurity diffusion layer constituting a source/drain diffusion layer constituting a source/drain diffusion layer of a select transistor has a second area.

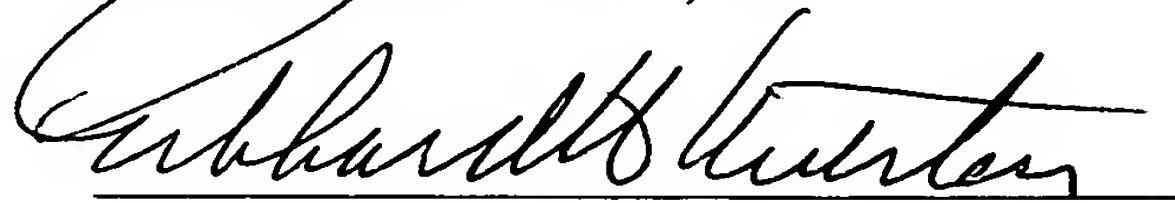
However, neither Dehm nor Takashima describe or suggest a plurality of first impurity diffusion layers formed on the surface of the semiconductor substrate in a state of being mutually separated along a first direction, having a first area and a second impurity diffusion layer formed on the surface of the semiconductor substrate in a state of being separated from the first impurity diffusion layer of an end of the first impurity diffusion layers, having a second area, where the second area is smaller than the first area.

Thus, Applicant respectfully submits that independent Claim 1 and claims depending therefrom patentably distinguish over Dehm and Takashima considered individually for at least the reasons noted above.

Consequently, in view of the foregoing discussion and present amendments, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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IN THE DRAWINGS

The attached sheets of drawings include changes to Figs. 8, 9 and 11. These sheets, which include Figs. 8, 9 and 11, replace the original sheets including Figs. 8, 9 and 11.

Attachment: Two Replacement Sheets